

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17 cr 50**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
DANNY CLARENCE CRISP,)	
)	
Defendant.)	
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THIS CAUSE coming on to be heard before the undersigned pursuant to a Violation Report (#11) filed by the United States Probation Office on May 16, 2017 alleging that Defendant had violated terms and conditions of his pretrial release. At the call of this matter on for hearing it appeared that Defendant was present with his counsel, Eric J. Foster, and the Government was present through AUSA Dan Bradley. From the evidence offered and from the statements of the Assistant United States Attorney and the attorney for the Defendant, and the records in this cause, the Court makes the following findings.

Findings: At the call of this matter, Defendant, by and through his attorney, denied the allegations contained in the Violation Report. Testimony was presented by the Government through U.S. Probation Officer Justin Adams. Officer Adams testified that Defendant had attempted to comply with the Court's Order regarding

the installation of electronic monitoring. The Probation Office found that due to the remote location of Defendant's home in the Robbinsville Community of Graham County, NC, a GPS monitor would not provide adequate monitoring service. Defendant had Frontier telephone company to install a land line to his home, but despite the efforts of Defendant, the Frontier telephone company land line signal was insufficient to provide a sufficient signal for the electronic monitoring equipment to work. In Officer Adams' opinion, Defendant had been successful so far in complying with the terms and conditions of release and it was his further opinion that the requirement of electronic monitoring of Defendant was no longer necessary.

It appears to the Court that the alleged violation of Defendant in the Violation Report was not willful on the part of Defendant and was not without lawful excuse and therefore the Violation Report will be dismissed.

ORDER

IT IS, THEREFORE, ORDERED that the Violation Report (#11) filed in this matter is **DISMISSED**.

Signed: June 8, 2017



Dennis L. Howell
United States Magistrate Judge

